

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X  
 SETH D. HARRIS, Acting Secretary of :  
 Labor, United States Department of :  
 Labor, :  
 :  
 Plaintiff, : Civil Action No.  
 : 12-CV-1511 (CM) (GWG)  
 v. :  
 :  
 JOHN V. MCNAMEE, JR., KEVIN DUNPHY, :  
 MANUEL FARINA, JOHN T. HALL, JOHN : APPLICATION OF  
 HAMILTON, MICHELE SULLIVAN, JOHN : INDEPENDENT  
 WALSH, EXHIBITION EMPLOYEES LOCAL : FIDUCIARY FOR FEES  
 829 I.A.T.S.E. PENSION PLAN, EXHIBITION : FOR SERVICES IN  
 EMPLOYEES LOCAL 829 I.A.T.S.E. ANNUITY : MARCH THROUGH  
 FUND, and EXHIBITION EMPLOYEES LOCAL : MAY 2023  
 829 I.A.T.S.E. VACATION FUND, :  
 Defendants. :

-----X

JUDITH P. BROACH, under penalty of perjury, pursuant to  
 28 U.S.C. §1746, declares the following to be true and correct:

1. Pursuant to this Court's Partial Consent Order ("the  
 Order"), filed on May 2, 2012, the undersigned was appointed  
 Independent Fiduciary of the Exhibition Employees Local 829  
 I.A.T.S.E. Pension Fund ("the Pension Fund"), the Exhibition  
 Employees Local 829 I.A.T.S.E. Annuity Fund ("the Annuity Fund")  
 and the Exhibition Employees Local 829 I.A.T.S.E. Vacation Fund  
 ("the Vacation Fund") (collectively, "the Funds"). Under the  
 terms of the Order, the Independent Fiduciary's appointment was  
 for an initial term of 120 days. By this Court's Second Partial  
 Consent Order ("the Second Order"), filed on September 4, 2012,  
 the Independent Fiduciary's term was extended for an additional

120 days. On June 28, 2013, this Court filed its Consent Order and Judgment ("the Judgment"). Pursuant to the Judgment, the Independent Fiduciary's term was continued for an indefinite period.

2. The Judgment provides, at paragraph "12," that the Independent Fiduciary's responsibilities include "plenary authority to administer the Funds" and "other activities required to ensure the prudent and sound administration of the Funds." Because it no longer had any contributing employers, the Independent Fiduciary terminated the Vacation Fund effective June 30, 2015. On or about December 14, 2015, after all benefit and administrative expense obligations of the Vacation Fund were paid, the Independent Fiduciary filed a final Form 5500 with the Internal Revenue Service and U.S. Department of Labor on behalf of that Fund.

3. As is more fully described in the Independent Fiduciary's Report to the Court, dated January 6, 2023, due to a long decline in the number of Union members for whom contributions were made to the Annuity Fund, which was exacerbated by the Covid-19 pandemic, the Independent Fiduciary terminated the Annuity Fund effective July 30, 2021. Thereafter, all participants received their full account balances either directly, by payment to their designated IRAs, or by payment of the account balance to the Pension Benefit Guaranty Corporation's missing participant program. On December

31, 2022, after paying all administrative expense obligations of the Annuity Fund, a final payment was made to all participants of their pro-rata share of the small excess then remaining in the Annuity Fund. A Form 5310 Application for Determination upon Termination of Qualified Plan has been filed with the Internal Revenue Service. A final Form 5500 will be filed with the Internal Revenue Service and the U.S. Department of Labor on or before the October 15, 2023 deadline for filing that return/report. Because the Annuity Fund no longer has any assets, all services rendered or which will be rendered by the Independent Fiduciary to the Annuity Fund after December 1, 2022, are without compensation. Accordingly, this application does not, and future applications will not request fees for any services rendered to that Fund.

4. Pursuant to paragraph "19" of the Judgment, the Independent Fiduciary is to be compensated at the rate of \$295 per hour for all attorney time and \$85 per hour for paralegal time. Applications for such fees are to be filed quarterly. By Order of this Court, dated August 11, 2022, the Independent Fiduciary's compensation was increased to \$350 per hour. Application for such fees is to be filed quarterly.


5. The Independent Fiduciary hereby respectfully requests that she be compensated for services rendered to the Pension Fund during the months of March through May 2023 in the amount of \$11,060.

6. In support of this application, the Independent Fiduciary has attached hereto a print-out from Stulberg and Walsh LLP's time and billing computer program which describes in detail the services performed by the Independent Fiduciary.

**WHEREFORE,** for the foregoing reasons, I respectfully request that the Court grant the Independent Fiduciary's application for fees for her services rendered during the period March 1 through May 31, 2023, in its entirety.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 23, 2023



Judith P. Broach





June 14, 2023

Local 829 I.A.T.S.E. PF-Service as Independent Fid

For Legal Services Rendered March 1, 2023 through May 31, 2023

Re: Local 829 I.A.T.S.E. Pension Fund -  
Service as Independent Fiduciary

Our file number : 815-001--A

Attorneys/Legal Assistants' Services:

			<u>Hrs/Rate</u>
03/02/23	JPB	Review e-mail from J. Harney, Esq.; e-mail with J. Harney, Esq.	0.10 \$350.00/hr
03/03/23	JPB	E-mail with G. Moore, Esq.	0.10 \$350.00/hr
03/06/23	JPB	Review e-mails (3) and attachments (3) from G. Riccardella; e-mails with G. Riccardella (3)	0.60 \$350.00/hr
03/07/23	JPB	E-mail with A. Sofge; review e-mail from A. Sofge	0.20 \$350.00/hr
	JPB	Review e-mail from S. Schneider; e-mail with S. Schneider	0.20 \$350.00/hr
	JPB	Review G. Moore, Esq. and P. Walsh edits to December minutes; make additional edits to minutes	0.30 \$350.00/hr
	JPB	E-mails with G. Moore, Esq. (2)	0.30 \$350.00/hr
	JPB	E-mail with J. Kleiman	0.10 \$350.00/hr
	JPB	Review e-mail from B. Francella; e-mail with B. Francella	0.10 \$350.00/hr

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			<u>Hrs/Rate</u>
03/07/23	JPB	Review e-mail and attachments (3) from G. Riccardella	0.50 \$350.00/hr
03/08/23	JPB	E-mails with G. Moore, Esq. (2); review e-mail from G. Moore, Esq,	0.10 \$350.00/hr
	JPB	Review e-mail and attachments (2) from G. Riccardella	0.20 \$350.00/hr
03/09/23	JPB	Review e-mails from G. Riccardella (2)	0.10 \$350.00/hr
	JPB	Video-conference with G. Moore, Esq., A. Sofge, J. Kleiman, K. Duffie, B. Lehman and S. Rogers re SFA application	1.00 \$350.00/hr
	JPB	Review e-mail from A. Sofge	0.10 \$350.00/hr
03/10/23	JPB	E-mail with G. Moore, Esq.; review e-mail from G. Moore, Esq.	0.30 \$350.00/hr
	JPB	E-mails with J. Harney, Esq. (2); review e-mail from J. Harney, Esq.	0.20 \$350.00/hr
	JPB	Edit minutes of video-conference re SFA application	0.30 \$350.00/hr
	JPB	Review e-mails (2) and attachments (2) from K. Duffie; e-mail with K. Duffie	0.30 \$350.00/hr
03/12/23	JPB	Review e-mail and attachment from G. Moore, Esq. re N. Bussanich; e-mail with G. Moore, Esq.; e-mail with N. Bussanich; review files re CBAs	0.60 \$350.00/hr
03/13/23	JPB	Review e-mails (2) and attachment from G. Moore, Esq.; review and edit draft correspondence with J. Hubicki, Esq.; e-mails with G. Moore, Esq. (2)	0.40 \$350.00/hr
	JPB	Review and edit draft RFP for administrative services; e-mail with G. Moore, Esq. re same	1.10 \$350.00/hr
	JPB	E-mails (2) with G. Moore, Esq. re Bussanich; review e-mail from G. Moore, Esq.	0.40 \$350.00/hr

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			<u>Hrs/Rate</u>
03/14/23	JPB	Telephone call with G. Moore, Esq.	0.30 \$350.00/hr
	JPB	Review e-mail from K. Duffie	0.10 \$350.00/hr
03/15/23	JPB	Telephone call with J. Harney, Esq.	0.30 \$350.00/hr
	JPB	Review e-mail from K. Duffie to G. Moore, Esq.; review e-mail from G. Moore, Esq. to K. Duffie	0.10 \$350.00/hr
	JPB	Review e-mail from J. Kleiman	0.10 \$350.00/hr
	JPB	Review e-mails from G. Riccardella (4); e-mails with G. Ricardella (2)	0.30 \$350.00/hr
	JPB	Review e-mails from P. Walsh (6); e-mails with P. Walsh (5)	0.50 \$350.00/hr
03/16/23	JPB	Telephone calls with G. Moore, Esq. (4)	\$350.00/hr
	JPB	Telephone call with participant N. Bussanich	0.30 \$350.00/hr
03/17/23	JPB	Telephone call with G. Moore, Esq.	0.30 \$350.00/hr
	JPB	Prepare application for December 2022 through February 2023 fees and proposed fee order; e-mail with ZRB re same	0.40 \$350.00/hr
	JPB	Telephone call with G. Riccardella	0.20 \$350.00/hr
	JPB	E-mail with G, Moore, Esq.	0.10 \$350.00/hr
	JPB	Review e-mail and attached fiduciary liability insurance renewal quote from J. Kleiman	0.50 \$350.00/hr
	JPB	Review e-mail from J. Harney, Esq.; e-mail with J. Harney, Esq.	0.10 \$350.00/hr
03/20/23	JPB	Preparation for video conference meeting of Independent Fiduciary with Fund professional advisors	0.50 \$350.00/hr

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			<u>Hrs/Rate</u>
03/20/23	JPB	Review and edit draft correspondence with Amalgamated Bank; e-mail with G. Riccardella re same; sign and transmit revised correspondence	0.30 \$350.00/hr
	JPB	Conduct video-conference meeting of Independent Fiduciary with Fund professional advisors	2.50 \$350.00/hr
03/21/23	JPB	Review manual checks, pre-check register and reconciliation report for April pension benefit payments; e-mail with S. Schneider re same	0.30 \$350.00/hr
03/22/23	JPB	Video-conference with J. Kleiman, M. Jackson, E. Lambert and G. Moore, Esq. re Fiduciary liability Insurance renewal quote	0.60 \$350.00/hr
	JPB	E-mail with M. Jackson	0.10 \$350.00/hr
	JPB	Review invoices from service providers; e--mail with G. Riccardella re same	0.30 \$350.00/hr
	JPB	Review one pension application; e-mail with S. Schneider re same; review e-mail from S. Schneider	0.40 \$350.00/hr
03/24/23	JPB	Edit draft withdrawal liability procedures; e-mail with J. Harney, Esq. re same	1.30 \$350.00/hr
03/27/23	JPB	Telephone call with G. Moore, Esq.	0.40 \$350.00/hr
	JPB	Review and sign checks for professional services	0.10 \$350.00/hr
03/29/23	JPB	Telephone call with P. Walsh	0.20 \$350.00/hr
	JPB	Videoconference with A. Sofge, J. Kleiman, K. Duffy, B. Lehman, S. Rogers, T. Reynold and G. Moore, Esq. re SFA application	0.80 \$350.00/hr
03/30/23	JPB	Videoconference with G. Moore, Esq., T. Reynolds, A. Sofge, J. Kleiman, K. Duffie, B. Lehman and S. Rogers	0.80 \$350.00/hr



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			<u>Hrs/Rate</u>
03/31/23	JPB	Review and edit draft SFA preliminary application; e-mails with K. Duffie re same (2)	0.40 \$350.00/hr
	JPB	Telephone calls with G. Moore, Esq. re preliminary SFA application (4); review 2 drafts of G. Moore, Esq. cover letter to PBGC re preliminary application	0.80 \$350.00/hr
04/04/23	JPB	Review e-mail from PBGC re SFA application	0.20 \$350.00/hr
	JPB	Review e-mails from J. Kleiman (2); e-mail with J. Kleiman	0.30 \$350.00/hr
	JPB	E-mail with G. Riccardella	0.10 \$350.00/hr
04/05/23	JPB	E-mails with G. Riccardella (2); review e-mails from G. Riccardella (2)	0.10 \$350.00/hr
04/06/23	JPB	E-mails with G. Riccardella (3); review e-mails from G. Riccardella (2)	0.40 \$350.00/hr
	JPB	E-mail with J. Kleiman; review e-mail from J. Kleiman	0.20 \$350.00/hr
04/07/23	JPB	E-mail with J. Kleiman	0.10 \$350.00/hr
04/13/23	JPB	Telephone call with N. Bussanich; e-mail with G. Moore, Esq. re same; review e-mail from G. Moore, Esq.	0.20 \$350.00/hr
	JPB	E-mail with J. Kleiman; review e-mail from J. Kleiman	0.10 \$350.00/hr
	JPB	Review e-mail from S. Schneider; e-mail with S. Schneider	0.30 \$350.00/hr
04/14/23	JPB	Review e-mails from S. Schneider; G. Moore, Esq.; e-mail with S. Schneider	0.10 \$350.00/hr
04/17/23	JPB	Review e-mail from J. Harney, Esq.; e-mail with J. Harney, Esq.	0.10 \$350.00/hr
04/18/23	JPB	Review e-mail from J. Kleiman; e-mail with J. Kleiman	0.30 \$350.00/hr
04/19/23	JPB	Review e-mail from J. Kleiman	0.10 \$350.00/hr

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			<u>Hrs/Rate</u>
04/20/23	JPB	E-mail with J. Harney, Esq.; review e-mail and attachments (2) from J. Harney, Esq.	0.30 \$350.00/hr
04/21/23	JPB	Review one pension application	0.30 \$350.00/hr
	JPB	Review manual checks, pre-check register and reconciliation report for May pension benefit payments; e-mail with S. Schneider re same; review e-mail from S. Schneider	0.40 \$350.00/hr
	JPB	E-mail with G. Moore, Esq.; review e-mail from G. Moore, Esq.	0.10 \$350.00/hr
	JPB	Edit minutes of March meeting of Independent Fiduciary with Funds' professional advisors and minutes of 3/30/23 SFA meeting	1.30 \$350.00/hr
04/25/23	JPB	Review e-mail from J. Kleiman; e-mail with G. Moore, Esq. re same	0.30 \$350.00/hr
04/26/23	JPB	Review e-mail from G. Moore, Esq.; e-mail with G. Moore, Esq.	0.50 \$350.00/hr
04/27/23	JPB	Review e-mails (2) and attachments (3) from S. Schneider; e-mails with S. Schneider (2)	0.40 \$350.00/hr
04/28/23	JPB	Review e-mail from J. Kleiman	0.10 \$350.00/hr
05/01/23	JPB	Review e-mail from K. Duffie; e-mail with K. Duffie	0.30 \$350.00/hr
05/09/23	JPB	E-mail with J. Harney, Esq.	0.10 \$350.00/hr
05/10/23	JPB	Review e-mail from counsel for Freeman Decorating	0.10 \$350.00/hr
05/12/23	JPB	Review one pension application; e-mails with S. Schneider re same (3); review e-mails from S. Schneider (3)	0.60 \$350.00/hr
	JPB	E-mail with G. Moore, Esq.	0.10 \$350.00/hr

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			<u>Hrs/Rate</u>	
05/15/23	JPB	Review e-mail from K. Duffie; e-mail with K. Duffie	0.10 \$350.00/hr	
	JPB	E-mail with G. Moore, Esq.	0.10 \$350.00/hr	
05/16/23	JPB	Review one pension application; e-mails with S. Schneider re same (2); review e-mail from S.Schneider	0.40 \$350.00/hr	
	JPB	Review e-mail from G. Moore, Esq.	0.10 \$350.00/hr	
05/21/23	JPB	E-mail with J. Kleiman	0.10 \$350.00/hr	
05/23/23	JPB	Review e-mail and attachment from S. Schneider; e-mail with S. Schneider	0.30 \$350.00/hr	
	JPB	Review manual checks, pre-check register and reconciliation report for June pension benefit payments; e-mails with S. Schneider (2) re same; review e-mail from S. Schneider	0.40 \$350.00/hr	
05/24/23	JPB	Review correspondence from G. Moore, Esq.	0.20 \$350.00/hr	
05/30/23	JPB	Review e-mails (2) and attachments (2) from K. Duffie; e-mail with G. Moore, Esq. re same; review e-mail from G. Moore, Esq.; review e-mails from G. Ricardella re same (2); e-mail with G. Riccardella	0.50 \$350.00/hr	
	JPB	Review one pension application; e-mail with S. Schneider re same	0.40 \$350.00/hr	
05/31/23	JPB	Review e-mails from G. Moore, Esq. (2); review file re requests to Union for status of CBA negotiations; e-mail with G. Moore, Esq.; edit draft e-mail to J. Hubicki, Esq.	0.50 \$350.00/hr	
				<u>AMOUNT</u>
		Professional Services Rendered:	31.60	\$11,060.00